

**UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA,)
Plaintiff)
V.)
DOCKET NUMBER: 05 CR 10224
J.C. ANDERSON,)
Defendant)

WRITTEN AFFIDAVIT OF ROBERT J.

GALIBOIS

I, the undersigned, Robert J. Galibois, do hereby depose the following:

1. My name is Robert J. Galibois.
 2. I represent J.C. Anderson *in regards* to Brockton District Court Docket Numbers 272475—272476.
 3. In and around August 31, 2006, I represented J. C Anderson on a Motion to Vacate Conviction Hearing in regard to the above referenced matters before the Honorable Judge David Nagle.
 4. At said Hearing the Commonwealth produced various documentation suggesting that J.C. Anderson's rights were in fact protected by way of advisement of his right to a jury trial and effectively waived same.
 5. It was during this hearing that the noted documents were produced for the first time.
 6. Subsequent to the Hearing and upon closer inspection several issues regarding the documents have arisen including a different date for a purported waiver of jury trial as well as other deficiencies regarding the notification and waiver of his rights.
 7. In light of the noted deficiencies the undersigned prepared a Motion for Reconsideration.
- B. Several events have taken place which has made it difficult to get a hearing on the Motion for

Reconsideration.

9. Justice Nagle, the presiding Justice in the Brockton District Court, has temporarily been reassigned to the Barnstable District Court.

10. The undersigned has made several attempts to coordinate the schedule of the Assistant District Attorney (Timothy Shyne) with both the availability of Justice Nagle and the Barnstable District Court.

11. The most recent suggested date for a Hearing *was* January 10, 2007 at 2:00 pm in the Barnstable District Court

12. Yesterday, the undersigned was advised that Mr. Shyrie was on Trial in the Brockton Superior Court.

13. It is the undersigned understanding that the Trial is ongoing as this Affidavit is being prepared.

14. The undersigned remains available to proceed on the Motion for Reconsideration, however, the undersigned has learned that Justice Nagle will not be available Friday, January 12, 2007, which is the expected day that Mr. Shyne's Trial should be concluded.

15. It is the undersigned understanding that 3. C. Anderson is scheduled for Sentencing on Tuesday, January 16, 2007).

16. Due to the unavailability of the prosecutor at this time and the unavailability of Justice Nagle on January 12, 2007, coupled by the legal holiday on Monday, January 15, 2007, the undersigned contacted Attorney Jessica Hedges to request a short Continuance on the Sentencing so this Motion of Reconsideration may be heard.

17. Justice Nagle, by and through his clerk, Diane Joy, has indicated a willingness to hold a

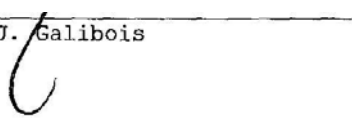
hearing on the Motion for Reconsideration.

Signed under the pains and penalties this **10th** day of January,
2007.

Date: Wednesday, January 10, 2007

Robert

Robert J. Galibois

A handwritten signature in black ink, appearing to be 'R. Galibois', is written over a horizontal line. The signature is cursive and stylized, with the first letter 'R' being particularly large and looping.